



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

STATE PLUMBING BOARD
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
Administrative Conference Room
2501 Woodlake Circle
Okemos, Michigan 48864

AGENDA

August 22, 2007
10:00 a.m.

1. Call to Order and Determination of Quorum D. Branch
2. New Products R. Konyndyk
 - A. MWI Plumbing Wholesale – Hubless Cast Iron Soil
Pipe & Fittings BCCP-06-001
3. Adjournment

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Plumbing Division at (517) 241-9330 at least 10 workdays before the event.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
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August 10, 2007

TO: Members of the State Plumbing Board
FROM: Robert G. Konyndyk, Chief, Plumbing Division *RMK*
SUBJECT: Product Approval Evaluation Report for MWI, Hubless Cast Iron Pipe and Fittings

Mr. Henry L. Green, Executive Director, Bureau of Construction Codes has requested this report to aid the State Plumbing Board in making a recommendation to the Construction Code Commission regarding a Certificate of Acceptance Request.

APPLICANT REPRESENTATIVE:

Mr. Julius Ballanco for Mr. John Morally

APPLICANT:

MWI Plumbing Wholesale Inc.
4695 North Avenue
Oceanside, CA 92056

AUTHORITY:

Section 21 of Act 230, 1972 being section 125.1521 of the Michigan Compiled Laws.

PRODUCT:

MWI Inc. Hubless Cast Iron Pipe and Fittings manufactured by several different firms in China.

BOARD ACCEPTANCE ACTION:

The State Plumbing Board at their February 28, 2006 board meeting established acceptance criteria dated February 27, 2006 for resolution of the products in question.

The acceptance criteria selected by MWI was the Certificate of Acceptance methodology and following submission identified as Application No. BCCP-06-001.

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ACCEPTANCE CRITERIA, February 27, 2007, Item 1:

1. Manufacturer's submissions
 - A. Manufacturer's name, address, manufacturing plant address, ownership, manufacture's registered trademark, and explanation of operations i.e. number of furnaces and shifts.
 - B. Manufacturer's quality control program, manufacturer's certification for a production date selected by this agency.
 - C. The manufacturer's certification shall address raw materials radioactivity screening, chemical tests at the time of production, coating, tensile strength tests, lay lengths and applicable dimensions and marking information. The certification shall also include sampling methodology.
2. Third party independent testing
 - A. The test laboratories shall be accredited and meet the criteria established by ICC Evaluation Services, Inc., Acceptance Criteria for Test Reports, AC85, Effective July 1, 2003.
 - B. Third party testing facility information shall address the laboratory company name and address, person in charge, personnel, conflict of interest statement, test equipment, calibration, quality control, experience, and area of testing expertise.
 - C. The test reports shall address each area of the applicable standard and shall include sampling information including ownership chain of custody.

If third party certification is provided such as listing it shall include ongoing surveillance. The surveillance methodology shall be provided for consideration.

RECOMMENDATION:

The attached report provides a conclusion regarding their request and an Appendix lists the correspondence on this issue.

RGK/mkr

ACCEPTANCE CRITERIA REPORT
for
MWI Petition of Acceptance

Manufacturer's submission

- A. *Manufacturer's name, address, manufacturing plant address, ownership, manufacture's registered trademark, and explanation of operations i.e. number of furnaces and shifts.*

Comments: Manufacturers names and addresses have been supplied. The submitter has informed our agency that they will use different suppliers dependent upon increased product demand (Appendix A, 2006 - 19). Additional confusion has resulted from the applicant being an importer and companies like Wanze being some type of exporter or accumulation agent.

Ownership clarification which would identify the controlling agent for the manufacturer has never been provided.

Several documents related to identification trade marks have been provided. Early efforts were necessary because the manufacturer was not identified, only the country of origin (Appendix A, 2005 - 2). Later several trade marks were provided which belong to a Texas company no longer in business. Recently documents have been provided that several of MWI purchased products are in the process of registering their product as evidenced by reports from the United States Patent and Trademark Office.

Explanation of operations has never been provided. The request basis was to identify the plant operations providing insight into the number of samplings for in house certification as required by ASTM A 888-05, 4, 5, 6, 10, and 12.

Manufacturer's submission

- B. *Manufacturer's quality control program, manufacturer's certification for a production date selected by this agency.*

Comments: Two of the five present manufacturer's Quality Control programs have been reviewed. It was noted that they appeared to be identical in nature i.e. same font and layout (Appendix A, 2007 - 20).

Certification reports on a date selected by this agency have not been provided. The submitter's representative stated that production is infrequent making it difficult to provide the information (Appendix A, 2007 - 1). Opposing parties claim that piping products are manufactured and labeled later after sales which would obviate any manufacturer testing.

The certification reports should be a normal function of all production as required by ASTM A 888-05, 4, 5, 6, 10, and 12. Absence of complete reports by any of the manufacturers continues to be questioned by this agency.

Manufacturer's submission

- C. *The manufacturer's certification shall address raw materials radioactivity screening, chemical tests at the time of production, coating, tensile strength tests, lay lengths and applicable dimensions and marking information. The certification shall also include sampling methodology.*

Comments: Portions of the standard required reports have been received for a few of the companies. Serious identified errors have not been addressed (Appendix A, 2007, 2). Again the certification reports should be a normal function of all production as required by ASTM A 888-05, 4, 5, 6, 10, and 12.

Third party independent testing

- A. *The test laboratories shall be accredited and meet the criteria established by ICC Evaluation Services, Inc., Acceptance Criteria for Test Reports, AC85, Effective July 1, 2003.*

Comments: This agency has accepted reports from IAPMO in the past and recognized their value in addressing products without standards through development of IAPMO Guide Criteria (IGC) procedures.

Third party independent listing has been provided by IAPMO. Several factors from original reports by Testing-Calibration-Consulting (TCC) to recent IAPMO reports for a small amount of the overall listed fittings have established grave concerns with this listings. (Items 2005 – 2, and 6; 2006 – 4, 11, 17, 18, 21, 31, and 33; 2007 – 2, 12, and 25). We have expressed our concerns to ANSI and they have been involved on a limited basis. (Items 2007 – 3, 4, 16, 19, 21, 25, 32, and 45.)

Third party independent testing

- B. *Third party testing facility information shall address the laboratory company name and address, person in charge, personnel, conflict of interest statement, test equipment, calibration, quality control, experience, and area of testing expertise.*

Comments: Information was received by Mr. Green (Appendix A, 2007 – 43, B1a and B4) for a small group of fittings to address our question regarding extrapolation procedure error reporting and how retesting portions of the report could be accomplished when samples would no longer be available. Later Laboratory Policy and Procedure No. G-012 was provided to address quality control issues. The information does not address all our concerns which can be attributed to the legal counsel attempting to obtain technical details for all matters above similar to incorrect test reports being certified (Appendix A, 2007 – 12).

- C. *The test reports shall address each area of the applicable standard and shall include sampling information including ownership chain of custody.*

Comments: Complete self certification test reports from all manufacturers have not been provided and should be on file with an agency involved in ongoing surveillance who provided the listing. Sampling information has not been sufficiently addressed and in fact early selections were questionable from TCC to suggest that the importer, MWI, was in total control of the products.

Third party independent testing

Third party certification listing when utilized shall include ongoing surveillance. The surveillance methodology shall be provided for consideration.

Comments: Information from IAPMO addressing ongoing surveillance has not been provided for any of the manufactures supplying MWI. Further when reporting errors were identified by the submitter's representative IAPMO stated the supplier was in good standing and would not be questioned. (Appendix A, 2007 – 26, 29, 31, 34, 43).

FINAL CONCLUSION:

Based upon the submitted documentation, the MWI application should be denied for lack of conformance to the standards and failure to comply with the February 27, 2006 board resolution.

DOCUMENTATION / COMMUNICATION / NOTES
INDEX
for
MWI Plumbing Wholesale Petition of Acceptance

2005

1. January 20, 2005: Letter from Metro Pipe seeking acceptance of MWI No Hub Cast Iron Pipe and Fittings for a Southfield High School project. Several attachment reports were provided as a basis for standard consideration. The request was generated following the project designers concerns that the materials would not conform to code and were not what he had specified.

The provided documents are:

1. January 18, 2005 letter from IAPMO stating CISPI 301 and ASTM A 888 standards are equivalent.
 2. January 13, 2005 letter from Pickell that MWI products meet CISPI 301 and ASTM A 888 standards.
 3. IAPMO Certificates of listing for MWI, File No. 4272, April 2005
 4. Testing-Calibration-Consulting (TCC) Report No. 02-795-1, March 28, 2002 Wanze Trade Co.
 5. 2002-03-01 letter from Wanze Trade Co. to Nancy Scott stating the manufacturer's name.
 6. TCC Report No. 02-795-2, May 1, 2002 Hua Du City Pin An Foundry Co.
 7. TCC Report No. 02-819, December 17, 2002 Hua Du City Pin An Foundry Co.
 8. TCC Report No. 042-875, March 18, 2004
 9. January 13, 2003 correspondence from MWI to customers with attached illustration concerning pipe marking.
 10. Four pages addressing ANSI program recognition of IAPMO
2. **February 11, 2005:** Letter to Metro Pipe rejecting January 20, 2005 submissions documentation. The correspondence was accompanied by a 6 page evaluation.
 3. December 1, 2005: Letter from MWI Plumbing Wholesale with attachments responding to February 11, 2005 letter to Metro Pipe and Supply Company. (Huawang Centrifugally Spun Pipe Factory, Shan-Xi Yangchen Tong- Yong, Wanze Trade Co. Qiaoshan Casting Co., and Shijiazhuahng Asia Casting Company).
 4. December 15, 2005: Memo to Interested Parties expressing concern and outlining acceptance step issues regarding hubless cast iron soil pipe and fittings being identified with the importers name. The memo was generated following two different importers document submission to the division which verified non conformance issues. The correspondence file contains two highlighted BCC Bulletins (Winter 2005 and Spring 2006) providing notification to readers of the division's concerns with the products in general.

5. December 22, 2005: File folder marked MWI Plumbing Wholesale Inc., Application # BCCP06-001, (hubless cast iron pipe & fittings) which contains a petition application for approval. The submission with the \$500 fee begins the State Construction Code Act, 1972 PA 230 acceptance process. The folder began with a letter from MWI dated December 14, 2005 and listed the submissions.

The provided documents are:

1. APMO Certificate of Listing for MWI, File No. 4272, April 2005, Revised 08/15/2005 with model numbers for 240 various size pipe and fittings. The manufactures were not identified.
 2. Five IAPMO Field Report & Signature Sheets
 3. Three letters from TCC certifying that MWI Inc. products meet various standard editions of ASTM A888 and CISPI 301.
 4. TCC Report No. 02-803, August 19, 2000, for Hua Du City Pin An Foundry Co. the report states that the fittings were delivered by truck sometime in June 2002.
 5. TCC Report No. 02-803, Addendum August 27, 2000, for Hua Du City Pin An Foundry Co.
 6. TCC Report No. 02-795-1, March 28, 2002, Wanze Trade Company
 7. TCC Report No. 02-792-2, May 1, 2002, Hua Du City Pin An Foundry Co.
 8. TCC Report No. 02-819, December 17, 2002, Hua Du City Pin An Foundry Co., Wanze Trade Co. LTD
 9. TCC Report No. 04-880, July 15, 2004, Shijiazhuang Asia Casting Co.
 10. TCC Report No. 04-880, Addendum, July 16, 2004
 11. TCC Report No. 04-880, Second Addendum, August 2, 2004
 12. TCC Report No. 05-900, March 15, 2005
 13. TCC Report No. 05-900, Addendum, March 16, 2005
 14. TCC Report No. 915-1, July 5, 2005, Shijiazhuang Asia Casting Co.
 15. Portions of five manufacturer quality control standard required test reports were provided.
 16. Photographs of four manufacturer's products to act as labeling information
 17. Drawings of four manufacturer's products to act as labeling information
 18. Installation Procedures for cast iron soil pipe and fittings, 11 pages. The procedures were copied from the Charlotte Pipe and Foundry Company as verified by the Charlotte name on the bottom header.
 19. Ten pages of the 2003 International Plumbing Code were copied and provided to address pertinent areas of the code regarding the products.
 20. Copies of standards CISPI 301-00, ASTM A 888-98e1, and ASTM A 888-04. All documents were unapproved copies of the originals.
 21. Four pages of advertising information indicating the use of MWI products.
 22. Three pages of information addressing IAPMO operating policies
 23. A Certificate of Liability Insurance for MWI Inc. and a MWI limited warranty for product replacement within five years
 24. Three pages of MWI Inc. hubless pipe and fittings information sheets
6. December 23, 2005: Letter from TCC providing excuses for previous errors in submitted test reports. The referenced reports and many other deficient reports were used by IAPMO to generate Certificate of Listing reports for these types of products.

2006

1. January 4, 2006: Memorandum developed to State Plumbing Board (SPB) for MWI Wholesale Inc. These PA summaries are used for product consideration to provide the board a brief product overview.
2. January 4, 2006: Letter to John Morally scheduling MWI for the January 17, 2006 SPB meeting
3. January 9, 2006: Letter from Nancy Scott of MWI demanding information on the reviewing agent of the Bureau for their product.
4. January 9, 2006: Letter from TCC regarding his position for previous test reports
5. January 11, 2006: Letter from James Brunton, attorney, stating he has been retained to obtain new trade marks for several listed manufacturers. This action was prompted by the fact that several trade marks were for a company in Texas which was no longer in business.
6. January 13, 2006: Letter to MWI responding to their January 9, 2006 letter.
7. January 17, 2006: Page from the January 17, 2006 SPB Minutes. The board tabled the request in order for staff to evaluate the submitted data.
8. February 2, 2006: E-mail to Bill LeVan requesting history information on cast iron products
9. February 7, 2006: Letter from Morally authorizing Nancy Scott to act as the MWI representative
10. February 7, 2006: Letter with translation attachments related to Chinese trade marks
11. **February 10, 2006:** Letter to Morally with an attached 9 page evaluation report concluding that the products are not acceptable. The report individually addressed 29 items which were submitted in the product submission referenced above as 2005, Item No. 5.
12. **February 27, 2006:** A three page document is reprinted to assist all manufacturers in resolving acceptance methodology for no hub cast iron soil pipe and fittings.
13. February 27, 2006: Letter from Morally authorizing Scott to represent him in his absence at the next day's board meeting.
14. **February 28, 2006:** Page from the February 28, 2006 SPB Minutes. Following a presentation by MWI the SPB confirmed that the manufacturer shall conform to the three page February 27, 2006 Resolution Notes. Further, they offered MWI the opportunity to withdraw their approval request.
15. March 20, 2006: Letter to Ken Wijaya, IAPMO, with the Resolution Notes detailing the acceptance methodology for MWI and other importers.

16. June 20, 2006: Letter from Morally providing test reports in order to gain acceptance of the product.

The provided documents are:

1. IAPMO Listed Products report for MWI, dated March 2006, File No. 4272. The division noted that the identification information was updated on this report addition. Again the manufacturers were not identified only the importer, MWI.
2. May 30, 2006: IAPMO inter department letter transferring two test reports, copied to Nancy Scott.
3. Report No. 805-06002 dated May 18, 2006, for 14 fittings listing the manufacturer as Shijiazhuang Asia Casting Co. Ltd. The conformance criteria are listed as CSPI 301-05.
4. Report No. 805-06002-A dated May 18, 2006, for 14 fittings listing the manufacturer as Shijiazhuang Asia Casting Co. Ltd. The conformance criteria were listed as ASTM A888-05.
5. Report No. 805-06001 dated March 23, 2006, for 10 different size pipes listing the manufacturer as Wanze Trade Co., Hua Wang Centrifugally Spun Pipe Factory, and Shan-Xi Yangchen Tong-Yong Mac. The conformance criteria were listed as CSPI 301-05.
6. Report No. 805-06001-A dated March 23, 2006, for 10 different size pipes listing the manufacturer as Wanze Trade Co., Hua Wang Centrifugally Spun Pipe Factory, and Shan-Xi Yangchen Tong-Yong Mac. The conformance criteria were listed as ASTM A888-05.
7. Report No. 805-06001-B dated March 23, 2006, for 10 different size pipes listing the manufacturer as Wanze Trade Co., Hua Wang Centrifugally Spun Pipe Factory, and Shan-Xi Yangchen Tong-Yong Mac. The conformance criteria were listed as ASTM A888-98e1.

17. **July 18, 2006:** Letter to MWI stating the IAPMO test reports did not meet the criteria required from the February 28, 2006 SPB meeting. Further, numerous IAPMO test report errors were identified.

18. August 9, 2006: Letter from IAPMO providing explanation to some of the errors identified in our July 18, 2006 correspondence with attachments.

The provided documents are:

1. IAPMO listed products report for MWI, dated March 2006, File No. 4272. The division noted that the report was again changed and now included a list of 5 manufacturers. One of the manufacturers was not referred in previous correspondence. The importer, MWI, changes sources and the lack of specific clarification in the listing creates huge enforcement decision problems.
2. Report No. 805-06001-B-R1, dated August 8, 2006 now replaces Report No. 805-06001-B dated March 23, 2006, for 10 different size pipes.
3. Report No. 805-06002-A-R1, dated August 8, 2006 now replaces Report No. 805-06002-A dated May 18, 2006, for 14 fittings.

The reports designed to correct previous errors do not address the company which was added to the IAPMO listing inclusion.

19. **August 10, 2006:** Letter from MWI expressing their acceptance position. They state that "MWI has added and/or changed suppliers as necessary to keep up with the increased demand for these products."

20. August 23, 2006: Letter from IAPMO submitting manufactures documents for Wanze, Hua Wang Centrifugally Spun Pipe Factory, Shan-Xi Yangchen Tong-Young Mac, and Shijiazhuang Asia Casting Co.

The documents do not address the entire scope of manufactures in house testing and contain errors identified by the division in later correspondence.

21. **August 28, 2006:** Letter to IAPMO identifying previous incorrect reporting errors and again expressing listing concerns.

22. **August 28, 2006:** Letter to MWI providing our earlier IAPMO correspondence and reminding him of our previously stated resolution requirements.

23. September 7, 2006: Letter from MWI that they only purchased 1 fitting from Ding Tai Metal Company and would not be purchasing any items in the future. It does not appear that IAPMO has test report substantiation for all items. This agency questioned how one item could be newly referenced in a listing (See 2006, item 18, 1).

24. October 17, 2006: Meeting in Lansing office with Ballanco to provide information in attempt to resolve MWI acceptance. Division informed him of the need to have an authorization letter from MWI. Division provided him with a copy of all correspondence and documentation to assist his efforts.

25. October 19, 2006: Letter from MWI providing 6 pages of product labeling identification. These are copies and not date stamped by the division. Further, they were enclosed with a file under a January 12, 2007 letter with test reports from Ballanco.

26. November 5, 2006: Letter from MWI authorizing Julius Ballanco to represent MWI in obtaining state approval.

27. November 9, 2006: Letter from Ballanco providing two test reports.

The provided reports are:

1. Report No. 805-06001-B-R2, dated October 20, 2006.
2. Report No. 805-06002-A-R2, dated August 8, 2006 now replaces Report No. 805-06002-A dated May 18, 2006, for 14 fittings.

This is the third attempt to address the material thickness dimension which was being extrapolated rather than being measured. Additionally, it is pointed out that the fitting report only addresses 14 (5% of total) fittings for one manufacturer when IAPMO listed 240 previously.

28. November 11, 2006: Letter from IAPMO providing the reports referenced above in item 26. This portion of the files has the same August 23, 2006 letter copy, signed, and dated August 23, 2006.
29. November 20, 2006: Letter from Metro Pipe and Supply encouraging us to address their / citizen's financial matters.
30. December 5, 2006: Letter to Metro Pipe and Supply reassuring them of our concerns to address citizen's health concerns versus material costs.
31. December 5, 2006: Letter to Ballanco pointing out additional errors in the test reports and requesting clarification related to unknown matters in the listing.
32. December 11, 2006: Letter from Ballanco responding to our inquires of December 5, 2006. he attached 4 pages of information addressing different MWI manufacturers.
33. **December 14, 2006:** Memo for Ballanco providing Report No. 805-06002-A-R3, dated December 12, 2006, the fourth attempt to report 14 fittings. Division staff at this point begin to question the wisdom of reviewing supply documents for errors in order to aid individuals in correcting their typos.
34. Winter 2006: Files contain two industry documents as follows:
 1. Trade magazine from IAPMO, T&S One-Stop Testing, Cast Iron Product Essentials, providing conformance information used by IAPMO
 2. AB&I, Alert Items, Newsletter copy titled, Court Rules Chinese Foundries Untouchable by US Laws!

2007

1. January 12, 2007: Letter from Ballanco providing test reports for Wanze. Ballanco referenced only specific days of production and did not provide all the reports for those days. The manufacturer reports have always been partial and never conclusive. The information of greatest interest was the dimensional inspection report for 2006-12-8. The report had the same numbers as a report 1 year and 10 months earlier.
2. **January 31, 2007:** Letter to Ballanco stating our position that a test report was generated rather than reflecting actual testing. It was again pointed out that the SPB required conformance to the February 27, 2006 Resolution Report.
3. February 1, 2007: E-mail from American National Standards Association (ANSI) requesting a meeting to explain their services.
4. February 1, 2007: E-mail to ANSI accepting their invitation and expressing concerns "related to plumbing accreditation."

5. February 21, 2007: Letter from Ballanco disagreeing with our January 31, 2007. He will contact IAPMO regarding our charge of reporting problems but feels that is not a sufficient reason not accept the product. It is evident he does not understand the approval process which they have chosen and not understood the resolution memo and decision by the board at their SPB meeting.
6. February 21, 2007: Letter from Ballanco to IAPMO stating our concern that a Wanze report was generated. He did not provide any detail but did encourage them to contact the division by phone.
7. February 27, 2007: E-mail from IAPMO to Ballanco stating they have no reason to suspect a Wanze QC test report.
8. February 27, 2007: A copy of the SPB meeting minutes addressing MWI under old business.
9. March 19, 2007: Letter from Ballanco to Metro Pipe and Supply explaining his position on MWI products.
10. March 19, 2007: Letter from Ballanco to MWI explaining his position on MWI products.
11. April 2, 2007: Letter from Peyser threatening us with litigation for not accepting MWI products. It was apparent that none of the parties involved with MWI have considered the concerns expressed by the board as set forth in their directives.
12. **April 5, 2007:** Letter from Peyser with attached affidavits and certificates from IAPMO verifying that reports 805-06002-A-R2 (should be 805-06002-A-R3, fourth effort for limited fittings) and 805-0600-B-R2 (should be 805-6001-R2, third effort for pipe) are not in error. They certified the wrong report.

This division questions why the lab can not keep track of its own test reports in affidavit certification. Further Peyser alleges that the test reports were doctored when in fact it was the reports from Wanze which were duplicated from earlier repots as identified in our January 31, 2007 correspondence.

13. April 9, 2007: Updated Summary Action Recommendation Memo to SPB outlining additional concerns the division has with the MWI products.
14. April 10, 2007: Another letter from Peyser providing an IAPMO signed affidavit with the same inaccuracies as his April 5, 2007 document. The affidavit from Norm Scott was not previously signed and notarized, this document is signed and notarized.
15. April 10, 2007: Letter from Green to Peyser explaining the Bureau position and offering to discuss the matter in person.

16. April 23, 2007: E-mail from ANSI expressing their appreciation of our April 12, 2007 meeting and stating they will conduct a surveillance visit to IAPMO that week.
17. May 3, 2007: E-mail from Peyser requesting a meeting date with Mr. Green.
18. June 4, 2007: E-mail scheduling the meeting above.
19. June 4, 2007: E-mail to ANSI requesting the status of their surveillance visit.
20. June 4, 2007: Meeting with Green and Peyser which followed with Konyndyk reviewing a quality control program.
21. June 5, 2007: E-mail from ANSI stating the delay is a result of their waiting for additional information.
22. June 5, 2007: SPB minutes of the June 5, 2007 meeting reflect the MWI discussion and Green requesting their permission to take the product to the commission if staff finds compliance.
23. June 14, 2007: Letter from Green to Peyser explaining approval procedures and requesting additional information for the commission meeting.
24. June 14, 2007: Letter from Green to Ballanco again requesting information on reporting errors from Wanze which were referred to IAPMO.
25. **June 14, 2007:** E-mail from ANSI with a brief two page surveillance assessment. The concluding sentence stated our concerns with TCC should have been evaluated as a complaint.
26. June 15, 2007: E-mail from Ballanco to IAPMO providing a letter copy providing specific date information on our previous expressed concerns with Wanze Test Reports having identical information.
27. June 15, 2007: E-mail from Ballanco to IAPMO outlining what they needed to address for our inquiries concerning testing methods. The retesting was necessary since IAPMO did not conduct the tests as required and extrapolated numbers rather than testing. This was corrected at a later date.
28. June 15, 2007: E-mail from IAPMO stating they used the same samples.
29. June 19, 2007: E-mail from IAPMO to Ballanco stating they will assist their client, MWI, and at this point do not have any reason to visit Wanze.

30. **June 20, 2007:** Letter from Ballanco to Green expressing that he had supplied the requested material. It is noted that the supplied material only references one of the manufacturers (Wanze) when there have been 5 others for consideration. Further, the Wanze identical numerical values spaced one year and ten months apart have not been clarified. Ballanco provided the same reports, one of which was outdated referenced in 2007, item 13, with a letter from IAPMO confirming their testing error and corrective efforts.
31. June 20, 2007: E-mail from IAPMO to Ballanco stating that they visited the Wanze plant in March and there were no non-conformance issues. However, they will revisit the plant in 6 weeks.
32. June 22, 2007: E-mail to ANSI confirming that we had received their surveillance report and further stating that we were disappointed in their brief report which only addressed a very limited time frame.
33. June 22, 2007: Memo from CISPI providing IAPMO listing information related to standard editions.
34. June 22, 2007, 3:05 p.m.: E-mail from Peyser to Green (letter) restating that IAPMO will assist their client, MWI, and does not have a reason to visit Wanze. Peyser further states IAPMO says it will cost \$20,000.
35. **June 22, 2007, 3:30 p.m.:** E-mail from Peyser to Green (letter) providing brief information about IAPMO testing of MWI products. The letter attempts to identify the manufacture's name requested in Green's letter by stating they are the ones identified in the IAPMO test reports that IAPMO tested. That is not sufficient detail as requested by Green.
36. June 22, 2007, 4:43 p.m.: E-mail from Peyser to Green requesting if all the necessary documentation has been provided.
37. June 24, 2007: E-mail from Peyser to Green state they have provided the material and request immediate approval.
38. June 25, 2007: E-mail from ANSI stating their previous report only covered issues in our April 22, 2007 letter.
39. June 25, 2007: Two documents from representatives of CISPI provided to State of Michigan, Attorney General's office, providing time lines of documents in the MWI matter and analysis of why the approval request is inappropriate and should not be considered by the Bureau.
40. July 3, 2007: Letter from Green to Peyser outlining what he has personally received for review. Green again informed him of the procedures and stated that the request would be taken to the commission however, it would not have a recommendation from the SPB. Identified documents which were previously received by Green were outlined in the letter.

41. July 6, 2007: Letter form Ballanco to Green outlining his concerns with the review process.
42. July 6, 2007: Letter From Dykema Gosset representing CISPI detailing their concerns with the consideration of the MWI product.
43. **July 10, 2007:** Document #07-59 providing information (identified as A through H) to the commission from Green in the matter of MWI Petition for Approval. Peyser had requested to be scheduled for a decision by the commission and later withdrew his request when he was informed of a lack of recommendation by Green.
44. July 26, 2007: Letters sent to Dykema and Gossett, Howard and Howard, Ballanco, and LeVan informing them of the August 22, 2007 SPB meeting.
45. July 26, 2007: Mailing copy of the August 22, 2007 SPB meeting agenda.
46. July 26, 2007: E-mail to ANSI requesting the status of our previous inquires.
47. July 26, 2007: E-mail from ANSI regarding their accreditation committee actions.
48. July 26, 2007: E-mail from ANSI in response with portions of requested information
49. July 26, 2007: E-mail to ANSI requesting if their listed items have been accomplished
50. July 26, 2007: E-mail from ANSI with partial answer
51. August 7, 2007: E-mail to ANSI requesting if our concerns were addressed as a complaint or an inquiry
52. August 8, 2007: E-mail from ANSI stating it was an inquiry
53. August 10, 2007: Memo to State Plumbing Board with attached Acceptance Criteria Report and Appendix A as a correspondence outline to aid the board in their August 22, 2007 decision.

The State of Michigan Certificate of Acceptability, product approval process established by the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, Section 21 may be utilized.

Information required for consideration are briefly listed as follows:

1. Manufacturer's submissions

- A. Manufacturer's name, address, manufacturing plant address, ownership, manufacture's registered trademark, and explanation of operations i.e. number of furnaces and shifts.
- B. Manufacturer's quality control program, manufacturer's certification for a production date selected by this agency.
- C. The manufacturer's certification shall address raw materials radioactivity screening, chemical tests at the time of production, coating, tensile strength tests, lay lengths and applicable dimensions and marking information. The certification shall also include sampling methodology.

2. Third party independent testing

- A. The test laboratories shall be accredited and meet the criteria established by ICC Evaluation Services, Inc., Acceptance Criteria for Test Reports, AC85, Effective July 1, 2003.
- B. Third party testing facility information shall address the laboratory company name and address, person in charge, personnel, conflict of interest statement, test equipment, calibration, quality control, experience, and area of testing expertise.
- C. The test reports shall address each area of the applicable standard and shall include sampling information including ownership chain of custody.

If a third party certification is provided such as a listing it shall include ongoing surveillance. The surveillance methodology shall be provided for consideration.